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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR-11-00214-EIF
)	
12 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	TO CONTINUE HEARING TO MARCH 26,
13 vs.)	2012, at 1:30 p.m.
)	
14 IRINEO ALVAREZ-CHAVEZ,)	
)	
15 Defendant.)	
)	

16
17 **STIPULATION**

18 The parties, Irineo Alvarez-Chavez and the government, acting through their respective
19 counsel and subject to the Court's approval, stipulate that the hearing date currently set for
20 February 27, 2012, be vacated and that the Court set a new hearing date of March 26, 2012 at
21 1:30 p.m..

22 The request for the continuance of the hearing is based on the parties ongoing
23 investigation and discussions which lead them to believe that the case will be resolved without
24 the need to hear the motion to dismiss, or for a trial. The continuance will enable the parties
25 sufficient time to resolve the case without trial. An additional reason for the requested
26 continuance is that defense counsel inadvertently scheduled the sentencing in this matter for the

1 currently set date and time which conflicts with a previously set sentencing hearing before Chief
2 Judge James Ware, in San Francisco, in the case of United States v. Amaju Crittle, case number
3 CR-10- 00829-JW.

4 The parties further agree and stipulate that for purposes of Speedy Trial Act computations
5 pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and (B)(iv) time
6 should be excluded from February 27, 2012 through and including March 26, 2012, to provide
7 continuity of counsel and to provide defense counsel further time to prepare. Accordingly, Mr.
8 Alvarez-Chavez and the government agree that granting the requested exclusion of time will
9 serve the interest of justice and outweigh the interest of the public and the defendant in a speedy
10 trial.

11 Dated: February 17, 2012

12 /s/
13 Manuel U. Araujo,
Assistant Federal Public Defender

14 Dated: February 17, 2012

15 /s/
16 Ann Marie Ursini, ,
Special Assistant United States Attorney

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY ORDERED that the status conference hearing in the above-captioned matter shall be continued from February 27, 2012, at 10:00 a.m., to March 26, 2012, at 1:30 p.m.


THE COURT FINDS that failing to exclude the time between February 27, 2012 and March 26, 2012, would unreasonably deny the defendant's continuity of counsel, and would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between February 27, 2012 and March 26, 2012, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the period of delay from February 27, 2012, through and including March 26, 2012, be excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: February 21, 2012


HONORABLE EDWARD J. DAVILA
United States District Judge